

October 24, 2007

Dear Ms. Moe:

On October 3, 2007, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of your position and Kathy Spade's position. You and Ms. Spade participated by telephone conference call. Pam Pelton, Classification and Recruitment Manager, appeared in person and represented the Department of Social and Health Services (DSHS). Also present were Dona Smoot, Human Resources Manager for Region 4, Brenda Moen, Human Resources Manager for Region 5, and Jamie Jennison, Human Resources Consultant 2 with Region 5.

Background

You and Ms. Spade perform similar Human Resource (HR) related duties in two different assigned Areas within the Division of Vocational Rehabilitation (DVR), and you both report to Chuck Paeth, DVR Staff Development Manager. On October 21, 2005, your Position Description Form (PDF) for position #LD48 was submitted to DSHS's Human Resources Division (HRD) as a reallocation request. Your supervisor signed the PDF on July 1, 2005. Although you did not sign the PDF, you indicated the PDF accurately described your assigned duties and responsibilities. On December 28, 2005, Human Resources Consultant Lloyd Hoage conducted a desk audit. On February 27, 2006, Classification and Recruitment Manager David Cahill issued an allocation determination, concluding your position was properly allocated as a Human Resource Consultant Assistant (HRCA) because he determined the majority of your work was paraprofessional or technical in nature.

On March 24, 2006, the Department of Personnel received your request for a Director's review of DSHS's determination. Prior to the Director's review meeting, Catherine Moore from DSHS's HRD conducted a subsequent audit of your position. Although the audit occurred after you filed your Director's review request, the position audit and content in the audit report reflected the time period relevant to this request.

During the Director's review meeting, you and Ms. Spade both contributed to the discussion about the assignment of duties and responsibilities to your positions, which were essentially the same. Additionally, you followed up with an email dated October 18, 2007, in which you and Ms. Spade asserted the majority of your jobs included consultation and guidance to supervisors, staff and management on personnel issues.

Summary of Ms. Spade's & Ms. Moe's Perspectives

The employees assert they communicate with three different regional HRD offices within their assigned area and consult with all DVR managers and employees in their respective areas. For example, the employees state they respond to questions about FMLA, Reasonable Accommodation, L&I, hiring, interviewing, and the candidate certification process (ARMS). Additionally, the employees assert they interpret rules and policies and clarify collective bargaining agreements (CBAs). The employees contend their positions changed when DSHS restructured the administrations and they no longer reported to a regional administrator. The employees assert they work independently and receive less guidance because their supervisor is in a different location. The employees further assert the absence of a regional administrator has resulted in more day to day responsibility and involvement with supervisors on their parts. The employees describe the majority of their work as providing consultation and guidance to supervisors, staff, and management rather than processing, and as a result, they believe their positions should be reallocated to HRC 1 positions.

Summary of DSHS's Reasoning

DSHS argues the level of interpretation performed by the employees relates to procedure rather than analysis. DSHS asserts the employees' positions are tasked with explaining human resource policies, procedures, and programs to employees and managers and providing technical assistance to support professional HR responsibilities. DSHS contends the guidance and consultation provided by the employees involves providing responses from documented information, providing limited options, and referring questions to higher-level HR staff regarding specific courses of action. DSHS further contends the employees perform personnel and payroll activities; track and compile information; resolve payroll issues, such as resolving an electronic transfer issue; draft template letters regarding appointments and reassignments of staff; respond to questions but not beyond existing or pre-established interpretations; generate recruitment advertisements. DSHS asserts the employees are tasked with the more technical aspects of maintaining personnel files and records and contends that questions about content or those requiring analysis are referred to HRD. As a result, DSHS argues the employees' positions are properly allocated to the HRCA classification.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to November 21, 2005.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Human Resource Consultant Assistant (HRCA) classification.

Rationale for Determination

The Human Resource Consultant class series concept notes that "[h]uman resource professionals are involved in assignments that frequently crossover or merge traditional functions and specialists." The series includes a professional level series and a paraprofessional assistant level. While some of the duties can overlap, the professional level, which begins with the HRC 1, "[p]erforms routine professional human resource duties." The Washington State Classification and Pay Administrative Guide describes professional duties as "predominantly intellectual as distinguished from routine or mechanical" and notes that assignments are completed by exercising discretion and independent judgment.

At the paraprofessional level, incumbents perform "a variety of paraprofessional or technical duties in one or more human resource areas" and provide human resource support to management and staff. While the paraprofessional level acts as an assistant to professional staff and management, the typical work is technical, such as processing payroll and personnel actions, and does not encompass the same depth of human resource related work or knowledge necessary to work in the professional level human resource positions.

The scope of your work, as identified on the Position Description Form (PDF) (Exhibit 1) states you report to the DVR Staff Development Manager and are responsible for direction of personnel and payroll functions for DVR field offices in Area 1. The Essential Functions portion of the PDF describes in more detail the type of HR related work you perform. I reviewed the PDF in conjunction with the audit reports (Exhibit 2) and the responses you provided during the Director's review meeting. Because you and Ms. Spade provided similar answers and discussed similar examples of work, I considered both of your responses when reviewing each request.

The following is a summary of the Essential Functions identified on your PDF:

- Perform personnel activities for DVR Area 1 (DSHS Regions 4, 5, and 6). Use high level judgment to resolve complex problems and accomplish administrative tasks in support of the DVR Chief of Field Services and DVR Staff Development Manager (Chuck Paeth, your supervisor). Explain human

resource policies, procedures, and programs to employees, managers, and the public.

The independent judgment and resolution relate to the administrative tasks in support of your supervisor, as well as payroll and personnel processes. As an example, you devise your own work methods and resolve issues like ensuring an employee has all the paperwork necessary to request FMLA or reasonable accommodation. You also make sure employees and supervisors are familiar with the associated rules and policies.

- Provide consultation and guidance to field personnel staff and management regarding personnel issues such as Affirmative Action, Family Medical Leave Act (FMLA), Reasonable Accommodation, and L&I.

While you do perform some level of consultation and guidance, it pertains to process, and complex or unusual issues that arise, such as questions regarding a medical certification, are referred to HRD. The audit notes also indicate that you forward problems, such as employee attendance, to HRD, and you may also consult with HRD to receive clarification or consult the HRD help desk. This is consistent with performing paraprofessional duties, while referring more involved or complex HR issues to HRD.

You described your involvement in FMLA, reasonable accommodation, and L&I claims as explaining the processes to employees and supervisors and letting supervisors know what paperwork is needed to process requests. You also check with attendance keepers to see if an employee has enough hours to qualify for FMLA. However, you stated you would contact the HRD help desk or an HR Manager with questions about medical paperwork affecting eligibility. You further explained that any related employee performance issues would be referred to HRD.

While you stated you received varying answers from HRD regions within your area, you clarified the inconsistencies related to procedural differences.

- Provide targeted recruitment efforts and anticipate future openings. Create procedures to enhance the use of College Recruitment Program, Governor's Internship Program, and In-Training.
- Provide initial screening of applicants with delegated authority to review all possible candidates' applications to determine if minimum/desired qualifications are met. Interview applicants and provide feedback to hiring authority. Access Automated Register Maintenance System (ARMS) to initiate browses and certify referrals.

During the review you stated that recruitment can be complex because it can be difficult to find counseling staff or fill rural areas. You also stated you brainstorm and discuss

options or issues such as dual language. You further acknowledged that some recruitment efforts were fairly standard and that you contacted HRD when a situation was unusual.

Some recruitment duties may overlap to the first professional level (HRC 1) such as presenting recruitment strategies or making recommendations. However, the majority of your assigned work involves coordinating applicant screening processes and reviewing applicant information to see if candidates have the desired level of education or years of experience. Further, you arrange for interviews and provide new employees with a check list. Recruitment paperwork is forwarded to the regional HRD for approval, and it is returned to you for processing. You also post job announcements and email DVR staff about possible job opportunities. The majority of these duties are consistent with the paraprofessional level.

- Responsible for processing Position Description Forms (PDFs) for establishment, reallocation, update, and abolishment.

Examples provided included explaining the allocation and approval process, reminding supervisors to get prior approval from the area manager. Although you complete the PDF, you then submit it to the regional HRD, where it is reviewed and approved then forwarded to HRD headquarters.

- Provide analysis of draft personnel policies and WACs. Keep management and staff apprised of changes to personnel system, including collective bargaining agreements, classification and compensation, civil service reform and competitive contracting.
- Communicate all changes for employees for system access in the Service Tracking and Reporting System (STARS).

You disseminate information through email and telephone calls.

- Oversee and complete total payroll function for Area 1 DVR staff. Evaluate and develop payroll processing methods and procedures and assist in developing and implementing new policies.

The payroll functions are technical and routine in nature and primarily fit within the paraprofessional level.

- Maintain secure employee personnel files; ensure confidential files are stored and accessed appropriately.
- Initiate and track completion of employee valuations and prepare annual report. Gather data regarding incomplete evaluations and provide report to office of DSHS Secretary. Provide annual policy checklist to all employees.

Assist with processing Reasonable Accommodations, Conduct Investigative Reports (CIR) and L&I claims.

- Collect prescribed information about each DVR employee, such as employee's classification, work location, or security access levels as determined by management.

Processing and tracking functions are routine and technical in nature and fall within the paraprofessional level. Ensuring confidentiality is also a responsibility representative of an HRCA classification, as well as professional levels.

Some HR related duties and responsibilities can overlap between the paraprofessional and professional levels, depending on whether you are verifying or providing information according to rules and policies or performing a higher-level review and analysis by applying rules and policies to a particular situation. For example, some FMLA issues may extend beyond procedural, if you interpret rules and policies and apply them as they relate to medical verification or link to performance issues. In the Director's review, you indicated that questions pertaining to medical certification would be referred to HRD, which is supported by HRD's contention that supervisors often contact HRD directly when complications arise regarding FMLA. Although you may receive some higher-level questions, the majority of your work in this instance involves checking with attendance for qualifying hours, providing information, and completing paperwork.

Other duties that may overlap with the HRC 1 level include presenting recruitment strategies to supervisors, searching for difficult candidates, and assisting in the development of in-training plans. The majority of your work, however, relates to talking with candidates and supervisors about the hiring process, preparing and compiling candidate packages, conducting screening interviews, and preparing recruitment paperwork, which is forwarded to HRD. The level in which you perform these duties primarily fits the paraprofessional level, which also performs some policy and rule interpretation, explains human resources procedures, provides technical assistance in support of professional responsibilities, provides guidance in completing or processing paperwork for personnel actions, and ensures confidentiality.

It is apparent you perform your duties in a professional manner, and your work is a very important component of HR functions within DVR. However, in reviewing the totality of your duties and responsibilities, as described on the PDF, the audit report from DSHS, and the responses provided by all parties in the Director's review meeting, I conclude the Human Resource Consultant Assistant (HRCA) classification best describes your position #LD48.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: Pam Pelton, DSHS
Lisa Skriletz, DOP

Enclosure: List of Exhibits